

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR252
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
RICARDO NAVARRETE-NAVARRETE,)	
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation (Filing No. 55) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 44). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence found during a June 20, 2006, search of the Defendant's residence as well as the Defendant's statement made to law enforcement officers on the same date. The Defendant argues that the search warrant affidavit lacks probable cause and that the Defendant's statement was the fruit of an illegal search, coerced and involuntary. Judge Thalken determined: the search warrant affidavit included sufficient probable cause and was not stale; even if the search warrant affidavit lacked probable cause the *Leon* good faith standard would apply, and none of the exceptions to that rule exists; and the Defendant's statement was voluntary and was not coerced or the product of an illegal search.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 47, 48) and the transcript (Filing No. 56). The Court has also viewed the evidence (Filing No. 51). Because Judge Thalken fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 55) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 44) is denied.

DATED this 12th day of December, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge